

AMENDING PUBLIC LAW 90-335 (82 STAT. 174) RELATING
TO THE PURCHASE, SALE, AND EXCHANGE OF CER-
TAIN LANDS ON THE SPOKANE INDIAN RESERVATION

FEBRUARY 7, 1974.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H.R. 5035]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5035) To amend Public Law 90-335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the legislation is to amend the present law relating to the purchase, sale, and exchange of lands lying within the Spokane Indians Reservation.

BACKGROUND

In 1968, the Spokane Tribe of Indians of the State of Washington requested, and the Congress enacted, legislation to facilitate land consolidation within their reservation. That legislation provided, however, that the value of non-trust lands or interests in lands in Stevens County purchased by the tribe could not exceed the value of lands which passed from a non-taxable trust status to a taxable, non-trust status in the preceding twelve month period. This language was designed to meet the problem reflected in Appropriation Act language over the preceding several years prohibiting any trust purchases within the States of Washington and Oregon by any tribe. The problem was to prevent more taxable land from going out of a taxable status.

In the last fiscal year, this general language was dropped from the Interior Appropriations Act. As a consequence, those tribes in the States of Washington and Oregon which had not obtained special legislation to achieve the desirable end of consolidating tribal land holdings were placed in a more favorable position with respect to purchase of lands to be taken in trust for the tribes.

This bill would delete the proviso in the 1968 Spokane Act which limits such purchases and would place the Spokane Tribe on the same footing as other tribes within those two States.

The Committee is advised that the County Board of Commissioners supports the tribe in this legislation.

COST

Enactment of the bill will involve no Federal cost.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by a voice vote, recommends that the bill be enacted.

DEPARTMENTAL REPORT

The report of the Department of the Interior is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., September 13, 1973.

HON. JAMES A. HALEY,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This responds to your request for the views of this Department on H.R. 5035, a bill "To amend Public Law 90-335 (82 Stat. 174) relating to the purchase, sale, and exchange of certain lands on the Spokane Indian Reservation."

We have no objection to enactment of this bill.

H.R. 5035 would amend the Act of June 10, 1968 (82 Stat. 174), by deleting the proviso of subsection (c) thereof. This Act authorizes the purchase, sale, and exchange of lands on the Spokane Indian Reservation in order to enable the Spokane Tribe to consolidate its land base. Subsection (c) of the Act provides for designation of lands purchased pursuant to the Act by the tribe or individual members as nontaxable land, held in trust for the Indians by the United States. The proviso to this subsection stipulates, however, that the value of nontrust lands acquired by the tribe pursuant to the Act during any given year shall not exceed the value of lands that passed from trust status to taxable fee status within the reservation, in Stevens County, Washington, during the previous year.

The Spokane Reservation, located entirely in Stevens County, Washington, is about 20 miles long from east to west and 14 miles wide. The reservation contains approximately 160,000 acres. About 104,000

acres are tribal land, 33,000 acres are allotted land, and the remainder is owned in fee by both Indians and non-Indians. The tribal land is checkerboarded with allotted and fee land. In many instances the tribe owns a tract of land surrounded by fee land. Such a tract has little value to the tribe but would probably be useful to an adjoining owner.

Since enactment of the 1968 Act the tribe has utilized the authorities contained therein in furtherance of its land consolidation program. Of the judgment funds appropriated by the Act of May 29, 1967 (81 Stat. 30), for example, the tribe programmed \$1,250,000 for the purchase of land.

During this time the allotted land area has decreased and the tribal land area has increased proportionately. The following land area figures disclose the changes by fiscal years:

Year	Tribal acres	Allotted acres	Tribal increase in acres	Decrease in allotted acres
June 30, 1968	96,535.63	40,577.00		
June 30, 1969	97,310.34	39,642.29	774.71	934.71
June 30, 1970	98,761.88	38,349.86	1,451.54	1,292.43
June 30, 1971	100,628.86	36,394.88	1,866.98	1,954.98
June 30, 1972	102,441.17	34,522.57	1,812.31	1,872.31
June 30, 1973	103,966.77	32,958.47	1,525.60	1,564.10
Total			7,431.14	7,618.53

The proviso to the Act of June 10, 1968, apparently stemmed from a fear that granting unlimited authority to acquire land in trust for the tribe would pave the way for transfer of considerable lands to a trust, nontaxable status, thereby diminishing a source of tax revenue available to Stevens County, Washington. As introduced, H.R. 3299 in the 90th Congress—which became the Act of June 10, 1968—provided that no greater acreage of nontrust lands or interests therein could be acquired for the Spokane Tribe during any 12-month period than the acreage that passed from a nontaxable to a taxable status on the reservation during the 12 months preceding acquisition. The representatives of the Spokane Tribe voiced no objection to the provision, fearing that to do so would endanger enactment of the bill. The House Committee on Interior and Insular Affairs amended this proviso to make the relationship between lands removed from the tax base and land returned to the tax base depend upon value rather than acreage. With this and certain other amendments, the bill was enacted.

This proviso has handicapped the tribe in its efforts to reorganize its land base. It is likely that this limitation will preclude the acquisition of needed tracts of land because neither the tribe nor individual members thereof have seen fit to dispose of lands within the preceding 12-month period having a total value in excess of the lands purchased by the tribe within that same period. Moreover, the proviso discriminates against the Indians of the Spokane Tribe. No other tribe is burdened with a similar limitation, and all Federally recognized tribes in the State of Washington may now have tribal and individual funds invested in the purchase of land in trust for their benefit irrespective of whether other Indian-owned trust lands are placed on the tax

rolls. Legislation similar to the 1968 Act has been enacted for other tribes, such as the Yakima Tribes, Confederated Tribes of Umatilla, Colville Tribes, Standing Rock Sioux Tribe, and the Crow Creek Sioux Tribe. However, none of the acts relating to these tribes contains a limitation on the amount or value of land that may be removed from the tax rolls by acquisition of land in trust for the tribe.

In a resolution adopted April 5, 1973 (No. 1973-47), the Spokane Tribal Business Council has expressed its desire to be relieved of the proviso's restriction. We have no objection to its enactment.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,

Assistant Secretary of the Interior.

CHANGES IN EXISTING LAW

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 10, 1968, PUBLIC LAW 90-335 (82 STAT. 174)

That, (a) for the purpose of effecting consolidations of land situated within the Spokane Indian Reservation in the State of Washington into the ownership of the tribe and of individual tribal members and for the purpose of attaining and preserving an economic land base for Indian use, alleviating problems of Indian heirship and assisting in the productive leasing, disposition, and other use of tribal lands, the Secretary of the Interior is authorized in his discretion to:

(1) Purchase for the Spokane Tribe of Indians with any funds of such tribe and to otherwise acquire by gift, exchange, or relinquishment any lands or interest in lands or improvements thereon within the Spokane Indian Reservation.

(2) Sell or approve sales of any tribal trust lands, any interest therein or improvements thereon.

(3) Exchange any tribal trust lands, including interests therein or improvements thereon, for any lands situated within such reservation.

(b) The Secretary of the Interior is authorized to sell and exchange individual Indian trust lands held in multiple ownership to the Spokane Tribe or to individual members thereof if the sale or exchange is authorized in writing by owners of at least a majority interest in such lands; except that no greater percentage of approval of individual Indians shall be required under this Act than in any other statute of general application approved by Congress.

(c) Title to lands, or any interests therein, acquired pursuant to this Act by the Spokane Tribe or individual enrolled members thereof, shall be taken in the name of the United States of America in trust for the tribe or individual Indian, and shall be nontaxable as other tribal and allotted Indian trust lands of the Spokane Reservation [*Provided, however,* That the value on nontrust lands, or nontrust interests in land, acquired under this Act by the Spokane Tribe during any twelve-month period shall not exceed the value of lands, or interests in land, that passed in any manner from a nontaxable trust status to a taxable fee status within the boundaries of the Spokane Reservation in Stevens County, Washington, during the twelve-month period preceding acquisition by the tribe].

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